

ROANOKE CITY COUNCIL

September 19, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, September 19, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Alfred T. Dowe, Jr. -----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor introduced and commended Joseph L. Salmon who was selected as Teacher of the Year at the Roanoke Academy of Mathematics and Science, Teacher of the Year for Roanoke City Public Schools, and Region VI Teacher of the Year in the Commonwealth of Virginia. He advised that Mr. Salmon was honored by the Virginia General Assembly and the Virginia Commonwealth School Board.

In recognition of his outstanding example and contributions to the youth of the community, the Mayor presented Mr. Salmon with a proclamation declaring Monday, September 19, 2005, as Joseph L. Salmon Day in the City of Roanoke.

PROCLAMATIONS: The Mayor presented a proclamation to Gary Hegner, Superintendent, Parks and Facilities, declaring Saturday, October 1, 2005, as Fall Waterways Cleanup Day.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, August 15, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council convene in Closed Session as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss the award of a public contract involving the expenditure of public funds, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council convene in Closed Session as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-PERSONNEL DEPARTMENT-ROANOKE ARTS COMMISSION-HUMAN DEVELOPMENT COMMITTEE-SCHOOLS: The following report of qualification was before Council:

David B. Carson and William H. Lindsey as Trustees of the Roanoke City School Board, for terms ending June 30, 2008;

Angela Holland as a member of the Human Services Advisory Board, for a term ending November 30, 2007; and

Letitia A. Smith as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2008.

Vice-Mayor Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

ANIMALS/INSECTS: Dr. Stan Eichelberger, presented a written report transmitting recommendations of the Feral Cat Task Committee.

Dr. Eichelberger advised that since formation in the summer of 2004, the Feral Cat Task Committee met on 11 occasions as well as conducted a public opinion survey and a public meeting; the Committee studied a wide variety of information relating to cats and examined the experience of several other localities; as revealed in the progress report dated April 12, 2005, the Committee found that complex sub-issues are involved in virtually every aspect of the topic; and concerns presented to Council, which led to formation of the Committee included issues of property damage, risk of disease transmission, and destruction of wild birds. He noted that during the first six months of 2005, City Animal Control Officers responded to 640 cat-related calls for service and 933 cats from the City of Roanoke were impounded at the Regional Center; the Regional Center for Animal Control and Protection reports that 1,227 cats were impounded from the region for the same period; and the Committee encountered well-reasoned and passionate perspectives on both sides of many of the issues and bases its recommendations on a shared perspective that cats that are cared for are healthier and pose fewer problems for the community.

Dr. Eichelberger reviewed the following recommendations:

- Adopt an ordinance requiring the licensing of cats over four months of age; authorize positive identification of licensed cats by means in addition to a collar and tag (such as by an implanted microchip) and provide space on any registration form for identification information; proof of vaccination should be required prior to license issue; the ordinance should also provide for reduced licensing fees for those cats which have been spayed or neutered, upon presentation of veterinary documentation of the procedure; and persons found in violation of the ordinance should be subject to fine.

- Adopt an ordinance(s) to prohibit cats from running at large and authorize the City's Animal Control and Protection Unit to impound cats found at large; "at large" would refer to any cat not on the property of its owner or under the immediate control of the owner or confined in an enclosure; procedures for disposition of impounded cats should be specified and only licensed and vaccinated cats should be released; the ordinance could be parallel in style with current sections regulating dogs at large, with increased fines for owners who repeatedly allow their animal to be at large; and Roanoke County has had ordinances requiring licensing of cats and defining cats at large as nuisance cats subject to impound since 1994.
- Development of a regional sanctuary for feral cats or cat colonies; although there are currently no such facilities in the area, such a sanctuary would provide for feral cats without their having to be impounded with little hope of adoption; managed sanctuaries for feral cats are seen by the Committee as part of an effective and humane overall solution, and some members of the Committee are willing to further investigate the option; and the City of Roanoke could participate with other localities in the form of financial support, tax considerations, and/or the assistance and expertise of employees in a joint venture.

Dr. Eichelberger advised that the Committee recognizes that implementation of the first two recommendations will require a public information campaign after actual ordinances have been drafted; and the proposals are in keeping with recommendations of The Humane Society of the United States, which should be of assistance in promoting a public information campaign. He stated that it is acknowledged that the ordinances will place an additional strain on the Police Department's Animal Control and Protection Unit, as well as on the Office of the City Treasurer and other offices involved in licensing and enforcement; therefore, he requested that Council consider staffing or technology requests that may arise from the changes.

Mr. Neil MacRae, III, 1110 26th Street, S. W., advised that it is understood that the City of Roanoke has a large number of cats per capita; and as the owner of a cat, he is of the opinion that a significant amount of the cat owner population is against any ordinance that would restrict outside activity. He stated that the City could control the feral cat population by picking up cats that do not wear a collar with the owner's name attached.

There being no discussion and without objection by Council, the Mayor advised that the recommendations of the Feral Cat Task Committee would be referred to the City Manager for report and recommendation to Council.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

PARKS AND RECREATION-WATER RESOURCES: Gary Hegner, Superintendent, Parks and Facilities, advised that 250-300 persons are expected to participate in efforts to clean up City property along the banks of the Roanoke River on Saturday, October 1, 2005; participants include the Clean Valley Council, Upper Roanoke River Roundtable, Department of Environmental Quality, Save Our Streams, the Western Virginia Water Authority, Roanoke Valley Greenways Commission, representatives of various City departments, local businesses, the National Foods Co-op, Q99, Tidy Services, and others. He called attention to water quality testing through testing kits that have been distributed in the schools, and other educational opportunities that will be offered.

Council Member Cutler inquired if there would be an opportunity for a regional or watershed-wide event in future years inasmuch as the Roanoke River begins in Montgomery County and runs through Roanoke County, the City of Salem and the Town of Vinton; and with their citizen groups, service clubs, rotary clubs, Kiwanis Clubs, school groups, etc., other Valley-wide jurisdictions could initiate an Upper Roanoke River event.

The City Manager advised that at least two such events will be held on an annual basis and the City has considered a program that would allow individual families, civic clubs and organizations to adopt an area of the Roanoke River for maintenance or stewardship on a regular basis. She stated that it is hoped that activities on October 1 will mark the beginning of a partnership involving not only public property, but private property along the Roanoke River.

EMERGENCY SERVICES: Joseph Coyle, Emergency Services Coordinator, and Larry Brown, Public Information Officer, explained the various components of two enhancements to the City's emergency warning public information capabilities; i.e.: Reverse 911 and Roanoke Alert. Mr. Coyle advised that Reverse 911 is a computer based system that can be used in an emergency to dial out to citizens and businesses; and the system will use a computer which is housed in the City's

secure computer room and dedicated phone lines in the Municipal Building to enhance the City's emergency warning public information capabilities. He explained that some potential uses for Reverse 911 would be notification of a terrorist event, flooding, severe weather conditions, or any large emergency that would require notification to citizens; and the system will not be used for non-emergency or routine events. He stated that a meeting has been scheduled with representatives of City departments, the Western Virginia Water Authority, and the School system to discuss uses and to develop a training program. He explained that the City has an eight telephone line system, using about a 30 second message, 960 telephone calls could be made per hour; for example: if there is a hazardous materials release at a certain intersection, a certain arch around the location can be plotted out and the system will dial those telephone numbers; and in the unlikely event of a mass notification of the entire City, the City could dial into the provider's databank, or contact the provider via internet, in order for notification to be made via the provider's nationwide bank of phones; and in approximately ten minutes every phone in the City of Roanoke would ring. He reviewed two methods by which telephone calls could be handled; i.e.: a compilation of predefined lists through a data bank identifying all persons who live on a specific street or in a flood prone area, input a message and activate the system; or the visual portion of the program could interface with the City's GIS system which provides the capability of selecting a specific street address or configuration and the system would access the database of telephone numbers and dial out based on a geo zone. He stated that another enhancement to the system is the "bulletin board" that can be created during an emergency which allows for the posting of a telephone number on the City's website where emergency information may be obtained. He added that one of the inherent issues with the database that was purchased by the City is that it only has the capability to call landline telephones; therefore, there will be a need to address issues where persons use cellular phones as their primary telephone, in which case it would be necessary to register the phone to that location so that they could be contacted in an emergency; registration could be handled via the City's website, or by telephoning or written communication to the Office of Environmental and Emergency Management.

Mr. Brown advised that in the event of a small scale emergency, the City will transform the current website, roanokeva.gov into roanokealert.com, which will provide the latest information to visitors to the website and allow faster access to important information such as emergency telephone numbers, or links that the person may need to get in touch with other emergency agencies, and the latest updates of road closures or emergency precautions and preparedness. He stated

that currently the website is hidden and in an ideal world the City may not have to use the emergency website; however, the website does have the capability to go live in the event of an emergency when an administration or the City's web master advises that the information needs to be delivered. He further stated that the website will be hosted outside of the Commonwealth of Virginia so that in the event of a power outage or some other drastic happening, there will be no concern about the site going down. Mr. Brown explained that Reverse 911 provides the capability to disseminate information to as many people as possible both inside and outside the area and to update information on a regular basis.

Council Member Lea inquired as to how information would be disseminated to persons who do not have access to a computer; whereupon, the City Manager advised that in a true emergency there is an overload of resources in responding to telephone calls and requests for information; while the website would only be available to certain people who have access to computers and to the internet, if those persons can be siphoned off of the telephone system to receive information from other sources, more resources would become available for persons using telephone lines; and there is also the option of going into affected areas with law enforcement and fire personnel with horns to communicate a need to evacuate the area. She advised that the two activities have been in the planning stages for over a year; the programs demonstrate that the City is planning for the emergency that it hopes will never happen; and planning has been ongoing since September 11, 2001, to ensure that the City of Roanoke has every tool in place to help its citizens in time of emergency.

In response to a question by Council Member McDaniel if there are plans for live testing of the programs, it was advised that workability of the Reverse 911 program continues to be reviewed.

Council Member Cutler advised that many people use cellular telephones as opposed to landlines, and inquired if cellular telephone companies would include information with monthly bills urging customers to register their cell phone with the City.

Mr. Coyle advised that the suggestion could be presented to the cellular telephone companies, and some cell phone vendors are currently evaluating the systems and looking nationwide for ways to capture the database.

ITEMS RECOMMENDED FOR ACTION:

HEALTH DEPARTMENT–BUDGET–HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke Department of Social Services and the State Health Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be located at the Roanoke Health Department to ensure that all citizens have an opportunity to apply for Medicaid; and the Agreement remains in effect until modified by mutual consent or operation of law.

It was further advised that total cost of the position is \$40,358.00; approximately 50 per cent of the cost is reimbursed from Federal Medicaid administrative funds, with the Health Department reimbursing the remaining cost; and the City of Roanoke Health Department is satisfied with the results of having the position on location and wishes to continue the services of the Eligibility Worker at the Health Department.

The City Manager recommended that she be authorized to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original agreement; that Council appropriate funds as above described in accounts to be established in the Grant Fund by the Director of Finance; and establish a revenue estimate of \$40,358.00 from State and Federal sources as above described.

• Salary	\$29,742.00
• City Retirement	3,833.00
• ICMA Match	650.00
• FICA	2,280.00
• Health Ins.	3,540.00
• Dental Ins.	235.00
• Disability Ins.	78.00
	<u>\$40,358.00</u>

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37180–091905) AN ORDINANCE to appropriate funding for the Medicaid Eligibility Worker position, amending and reordaining certain sections of the 2005–2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 577.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37180-091905. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Vice-Mayor Fitzpatrick offered the following resolution:

(#37181-091905) A RESOLUTION authorizing the City Manager to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original Agreement between the Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 578.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37181-091905. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-EMERGENCY SERVICES: The City Manager submitted a communication advising that the Roanoke Fire-EMS Department provides Hazardous Materials Emergency assistance on a regional level to surrounding localities during hazardous material accidents and incidents; increased revenues were received from the Commonwealth of Virginia for Hazardous Materials Emergency Responses; and revenues were intended to be used for reimbursement of certain expenses incurred during Hazardous Materials Emergency Responses for fiscal years 2004 and 2005; and for fiscal year 2004, additional revenues of \$8,199.08 were received and for fiscal year 2005, additional revenues of \$1,390.40 were received.

It was advised that the Commonwealth of Virginia appropriates funds to the Roanoke Fire-EMS Department for Hazardous Materials Emergency Responses; the Director of Finance estimates the revenue for Hazardous Materials Emergency Responses; and in Fiscal Years 2004 and 2005, the Commonwealth increased revenues and reimbursement of funds.

The City Manager recommended that Council adopt a budget ordinance to increase revenue estimates, in the amount of \$8,199.00, in Account No. 035-520-3226-3226 and \$1,390.00 in Account No. 035-520-3227-3227; appropriate additional funding in the same amounts appropriate increased revenues and authorize the Director of Finance to establish increased revenue estimates.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37182-091905) AN ORDINANCE to appropriate additional funding for the Hazardous Materials Response Grants, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 579.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37182-091905. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-HUMAN DEVELOPMENT-GRANTS-FDETC: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus Council must appropriate funding for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs; the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem; and WIA funding is intended to be used for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household Income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was further advised that the Western Virginia Workforce Development Board has received a Notice of Obligation (NOO) from the Virginia Employment Commission allocating \$192,078.00 for the Youth Program which serves economically disadvantaged youth, \$74,836.00 for the Adult Program which serves economically disadvantaged adults, and \$120,443.00 for the Dislocated Worker Program which serves workers laid off from employment through no fault of their own for Program Year 2005 (July 1, 2005 – June 30, 2007); and ten per cent of the above referenced totals are intended to be allocated to the administrative function of the Western Virginia Workforce Development Board.

The City Manager recommended that Council authorize appropriation of Western Virginia Workforce Development Board Workforce Investment Act funds of \$387,357.00 for Program Year 2005, and establish corresponding revenue estimates in accounts to be established in the Grant Fund by the Director of Finance.

Council Member McDaniel offered the following budget ordinance:

(#37183-091905) AN ORDINANCE to appropriate funding for the FY06 Workforce Investment Act Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 580.)

Council Member McDaniel moved the adoption of Ordinance No. 37183-091905. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Lea referred to previous discussion by the Council on Monday, July 18, 2005 with regard to composition of the Western Virginia Workforce Development Board and requested that the City Manager provide a status report.

The City Manager advised that at the next meeting of the Chief Local Elected Officials group (CLEO) following Council's discussion on July 18 the issue of representation on the Workforce Development Board was discussed, and all members of the CLEO expressed a genuine interest and concern in the issue of representation. She stated that two members of the African-American community, the Deputy Director, Roanoke Redevelopment and Housing Authority, and a minority representative from Franklin County were recommended to the CLEO; consideration was given to increasing the size of the Board, and a decision was made to keep the current number of 15 which allows for a majority or eight of the appointments to be representatives of the private sector, and the remaining seven would be appointed from the public sector. She added that there is a vacancy on the Board, and Alleghany County, which does not currently have representation, has been requested to recommend a nominee; other members of the Board have encouraged private individuals within their respective communities to serve; and at an upcoming meeting of the CLEO Board, it is anticipated that at least one appointment will be made. The City Manager gave her assurance that the issue has raised itself to a proper level of attention with all members of the CLEO, there will not be a lack of diverse representation on the Workforce Development Board in the future, and the Chief Local Elected Officials group is committed to rectifying the situation.

There being no further questions/comments by Council Members, Ordinance No. 37183-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY CODE-BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that Resolution No. 36207-012103 adopted by Council on January 21, 2003, authorized the City Manager to apply for an "80/20" reimbursable grant through the Virginia Recreational Trail Fund Program; and in July 2003, the Virginia Department of Conservation and Recreation notified the City of Roanoke of a grant award, in the amount of \$53,600.00, in support of the Carvins Cove Natural Resource Multi-Use Trail Project.

It was further advised that State and Federal funding sources will be utilized as matching funds to the recent appropriation of \$40,335.00 to the Department of Parks and Recreation through the Western Virginia Water Authority Carvins Cove trail user fees for trail improvements within the Reserve.

The City Manager recommended that Council authorize the Director of Finance to increase the revenue estimate in Account No. 008-620-9825-9813, Carvins Cove Planning and Development, in the amount of \$53,600.00, and appropriate funds of the same amount to the Carvins Cove Planning and Development Project, Account No. 008-620-9825.

Council Member Cutler offered the following budget ordinance:

(#37184-091905) AN ORDINANCE to appropriate funding for the Carvins Cove Planning and Development Project, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 582.)

Council Member Cutler moved the adoption of Ordinance No. 37184-091905. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Cutler advised entrance fees paid by visitors to Carvins Cove are used for recreational facility improvements at Carvins Cove. He stated that he looked forward to completion of the master plan for management of the Carvins Cove Natural Reserve, and consideration of a conservation easement to protect most of the natural area from development. On behalf of the Roanoke Appalachian Trail Club and other hikers in the region, he stated that he supported multiple use trails, but some trails should be devoted to hikers only so that there is no conflict between horses, bicycles, and hikers.

Ordinance No. 37184-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

POLICE DEPARTMENT-COMMUNICATIONS DEPARTMENT-CITY INFORMATION SYSTEMS-EQUIPMENT: The City Manager submitted a communication advising that an Intergovernmental Agreement dated December 17, 1997, between the City of Roanoke and the County of Roanoke established a joint Public Safety Radio System ("System"); since creation of the partnership, the City and the County have operated their E-911 public radio systems effectively as a joint, unified system for the protection and benefit of the citizens of both localities; and the original Intergovernmental Agreement was amended on one occasion by an amendment dated October 1, 2001, for the purpose of providing further details governing operation of the joint system and the relationship between the City and the County.

It was further advised that a proposed second amendment provides legal authority for the County and the City to act jointly through the Roanoke County Purchasing Department to obtain a qualified consultant to provide expertise and guidance in the planning of the "rebanding" or migration of frequencies per a Federal Communications Commission (FCC) mandate; rebanding has been ordered by the FCC on a nationwide basis due to frequent problems with interference from commercial wireless communications providers and public safety agencies that operate on the 800MHz spectrum; the FCC has imposed upon Nextel the financial obligation to pay for all direct and indirect costs associated with the "rebanding" frequency reconfiguration; and Nextel has committed \$2.5 billion to pay for the 800 MHz rebanding process nationally and established an independent agency, the Transition Administrator (TA), to oversee the massive undertaking.

The City Manager explained that by proceeding jointly, the County and the City are moving forward with the procurement process to hire a consultant to advise on the numerous technical and legal issues involved in negotiations with Nextel to cover the costs of reprogramming frequencies on all public safety radios; in order to avoid any cost from this Federally mandated process, Roanoke County and Roanoke City, acting jointly, must enter into an agreement with Nextel for reimbursement of all expenses related to the rebanding process before incurring any expenses; and the Roanoke County Board of Supervisors acted on the matter at its meeting on September 13, 2005.

The City Manager recommended that she be authorized to approve and execute Amendment No. Two to the Intergovernmental Agreement between the City of Roanoke and the County of Roanoke.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37185-091905) AN ORDINANCE authorizing the City Manager to execute Amendment Two to an Intergovernmental Agreement, dated December 17, 1997, with Roanoke County concerning the Regional 800 MHz Trunking Radio System, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 583.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37185-091905. The motion was seconded by Council Member Cutler.

Council Member McDaniel inquired in the event of a valley wide emergency, would the City of Roanoke, Roanoke County and the City of Salem have the capability to talk with each other regardless of what radio band or frequency they operate on; whereupon, the City Manager responded in the affirmative and advised that under the Interoperability grant that was received last week, localities from Roanoke, all the way up to and including the Lynchburg region, will have the capability to communicate, and the ability to talk with other communities and their public safety resources is vitally important.

The City Manager advised that the agreement presently before the Council between the City of Roanoke and Roanoke County calls for moving forward with a procurement process that would identify a consultant to help ensure that the localities are adequately represented as they go through negotiations with Nextel and to identify all costs associated with the move.

There being no further questions/comments by Council Members, Ordinance No. 37185-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HOUSING/AUTHORITY: The City Manager submitted a communication advising that on September 6, 2005, Council was briefed on the Day Avenue Project which consists of acquisition by the Roanoke Redevelopment and Housing Authority (RRHA) of 17 parcels of land on Day Avenue; and the parcels are in various stages of disrepair, continuing to deteriorate and are detrimental to the safety, health, morals and welfare of the residents of the housing units, as well as to the surrounding residential neighborhoods.

It was further advised that the RRHA has acquired the 17 parcels of land for rehabilitation and conversion to market rate residential housing units; the City of Roanoke wishes to make available to RRHA the necessary funds to reimburse the Housing Authority for the property from the Christian Housing Fellowship, LLC; total amount of funds to be transferred to the RRHA by the City is \$370,400.00; and funds are included in the Capital Maintenance and Equipment Replacement Program (CMERP).

It was explained that in order for the RRHA to proceed with rehabilitation of the 17 parcels of land, authorization by Council is needed to execute an agreement between the City of Roanoke and the RRHA for funding of property acquisition and pre-rehabilitation and maintenance costs associated with the 17 parcels of property.

The City Manager recommended that she be authorized to execute a cooperation agreement with the RRHA, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37186-091905) A RESOLUTION authorizing execution of the Day Avenue Cooperation Agreement between the City of Roanoke ("City") and the Roanoke Redevelopment and Housing Authority ("RRHA"), providing for the advancement of \$370,400.00 in funding to provide for the cost of acquisition, pre-rehabilitation, and maintenance of seventeen parcels of property located in the 400 block of Day Avenue, S. W.

(For full text of resolution, see Resolution Book No. 69, Page 584.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37186-091905. The motion was seconded by Council Member Cutler.

Mr. Robert Gravely, 727 29th Street, N. W., expressed various concerns with regard to the Day Avenue project. He advised that it could cost as much as \$317,000.00 to renovate the houses while the sale price is \$265,000.00 per house; and the houses were previously assessed at approximately \$38,000.00 - \$45,000.00 and are now assessed at \$100,000.00. He added that a home buyer who can afford a \$265,000.00 house will not choose to purchase a house on Day Avenue; no consideration was given to less fortunate persons who currently live in the area who cannot afford more expensive housing, and additionally, no consideration was given to the high crime rate in the area. He referred to \$85,000.00 vacant houses in the 1200 block of Gilmer Avenue that are currently deteriorating because no one is interested in purchasing the property.

The Mayor requested that the City Manager respond to Mr. Gravely's remarks regarding the Day Avenue Project; whereupon, the City Manager advised that the City will make funds available to the Roanoke Redevelopment and Housing Authority to purchase 17 properties on Day Avenue for the balance due on the mortgages. She stated that the Housing Authority does not intend to market the homes when rebuilt to low and moderate income individuals, but to persons in the middle and upper income brackets who can afford to pay the \$265,000.00 which is estimated to be the rehab value. She noted that a market study was prepared and upon the advice of realtors it is believed that homes can be sold for the \$265,000.00; the City and the RRHA have committed to assist those individuals who currently reside in the properties to find alternate housing within the City, and at rates equal to or in some instances less than what they are currently paying at their Day Avenue address; it is not anticipated that any low income individual would be displaced as a result of the project and the City has made a commitment over the next seven years to construct additional low income units to compensate for the loss of Day Avenue housing as a part of the City's housing strategy.

There being no further questions/comments by Council Members, Resolution No. 37186-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of July 2005.

(For full text, see Financial Report on file in the City Clerk's Office.)

There being no questions or comments and without objection by Council, the Mayor advised that the Financial Report for the month of July would be received and filed.

CITY ATTORNEY:

Y.M.C.A.: The City Attorney submitted a written report advising that Subparagraph A of Paragraph No. 12 of the Agreement dated December 24, 2002, between the City of Roanoke and the YMCA of Roanoke Valley, Inc., requires the YMCA to transfer a portion of the property on which the old YMCA facility is located to the City by April 29, 2005 (the original date was March 1, 2005, which was extended by Amendment No. 1); however, the Agreement requires the YMCA to remove all hazardous substances from the old YMCA facility before the YMCA transfers the facility to the City.

It was further advised that due to complications related to removal of asbestos and other hazardous substances from the facility, the YMCA has not completed the removal, and has not transferred the property to the City; and accordingly, the YMCA has requested that the City agree to extend the deadline by which the YMCA must transfer the property to the City until December 30, 2005.

The City Attorney recommended that Council adopt an ordinance authorizing the City Manager to execute the appropriate amendment to the agreement with the YMCA as above described.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37187-091905) AN ORDINANCE authorizing the City Manager to execute Amendment No. 2 to the Agreement dated December 24, 2002, between the City of Roanoke and the YMCA of Roanoke Valley, Inc. ("YMCA"), to extend the date by which the YMCA must transfer to the City of Roanoke a portion of the property on which the former YMCA facility is located to December 30, 2005; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 585.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37187-091905. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting that Council appropriate the following, was before the body:

- \$23,529.00 for the Title I Even Start Family Literacy Grant to provide staff and funding for parental and preschool workshops for family literacy efforts at the preschool and adult education levels.
- \$168,700.00 for the Title I School Improvement program to aid the division in efforts to provide strategies to increase student learning at seven low-performing schools; the program will help to fund the opportunity for students to choose a higher-performing school as an alternative, said program to be 100 per cent reimbursed by Federal funds.
- \$33,108.00 for the Title I D At-Risk Juvenile Detention Center Reading program to employ a part-time reading teacher at the Center, said program to be 100 per cent reimbursed by Federal funds.
- \$65,208.00 for the 2005–2006 Governor's School program to provide instruction in science and math to high school students, with the continuing program to be supported by State funds and tuition collected from participating school districts.
- \$48,000.00 for the Patrick Henry Youth Court program to provide for supervision and materials necessary to continue the school-based youth court at Patrick Henry High School; and the continuing program will provide instruction in the legal process and allow for alternative disciplinary actions.

The Director of Finance submitted a written report recommending that Council concur in the requests of the School Board, was also before the body.

Council Member Cutler offered the following budget ordinance:

(#37188-091905) AN ORDINANCE to appropriate funding for the 2005–06 Title I Even Start Family Literacy Grant, 2005–06 Title I School Improvement Program, 2006 Title I D At-Risk Juvenile Detention Center Reading Program, 2005–06 Governor's School Program, and 2005–06 Patrick Henry Youth Court, amending and reordaining certain sections of the 2005–2006 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 586.)

Council Member Cutler moved the adoption of Ordinance No. 37188-091905. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

POLICE DEPARTMENT-CITY COUNCIL: Council Member Lea addressed the issue of domestic violence in the City of Roanoke. He advised that at least 90 per cent of homicides in Roanoke this year were related to domestic violence; many of the victims were women who had taken out restraint orders and the perpetrators ended up back in the household or back on the street; therefore, the issue needs to be addressed above and beyond what the Police Department is doing. He called attention to the need to look more closely at domestic violence not only in terms of the Police Department, but the court system and the Magistrate's Office. Therefore, he suggested that the City Manager appoint a task force to study the matter and to research actions that have been taken by other localities.

Without objection by Council, the Mayor advised that Mr. Lea's suggestion would be referred to the City Manager for report to Council.

CITY COUNCIL-HOUSING/NEIGHBORHOOD CODE ENFORCEMENT: Council Member Lea inquired as to the availability of City programs to assist senior citizens in connection with home maintenance.

The City Manager suggested that citizens call the Department of Housing and Neighborhood Services with regard to specific requests for assistance.

Council Member Cutler advised that the League of Older Americans offers a wide array of assistance programs.

Council Member McDaniel advised that small projects such as painting the porch or mowing the grass for senior citizens could be undertaken by neighborhood organizations through a neighbor to neighbor program.

CITY COUNCIL-COURTS FACILITY: Council Member Wishneff inquired about plans to expand and/or renovate the current Courthouse building.

The City Manager advised that a request for proposals for a planning and/or architectural engineering firm to prepare programming and conceptual design phase services will be advertised in the near future, and the actual study will commence in early December, with completion approximately four months thereafter.

DONATIONS/CONTRIBUTIONS: On behalf of the City of Roanoke, the Mayor advised that the City Manager has taken \$10,000.00 from the City Manager's Contingency Account to be donated to the American Red Cross to help hurricane victims along the Gulf Coast as a result of Hurricane Katrina.

Council Member Cutler moved that Council concur in the action taken by the City Manager to donate \$10,000.00 to the American Red Cross to assist hurricane victims along the Gulf Coast as a result of Hurricane Katrina. The motion was seconded by Vice-Mayor Fitzpatrick and adopted.

The Mayor advised that plans will be announced in the near future with regard to establishment of a Sister City relationship with a community along the Gulf Coast that sustained substantial damage as a result of Hurricane Katrina.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium and the agreement between the City of Roanoke and Norfolk and Western Railway Company which stipulated that the land on which Victory Stadium is constructed would be used for stadium/armory purposes and that the land would be properly maintained by the City. He questioned why the City cannot renovate Victory Stadium in a manner similar to Lane Stadium in Blacksburg.

COMPLAINTS/CITY COUNCIL: Mr. Robert E. Gravely, 727 29th Street, N. W.,
quoted Bible scripture.

CITY MANAGER COMMENTS: NONE.

At 4:05 p.m., the Mayor declared the Council meeting in recess for two
Closed Sessions.

At 5:25 p.m., the Council meeting reconvened in the City Council Chamber,
with all Members of the Council in attendance, with the exception of Council
Member Dowe, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Vice-Mayor
Fitzpatrick moved that each Member of City Council certify to the best of his or her
knowledge that: (1) only public business matters lawfully exempted from open
meeting requirements under the Virginia Freedom of Information Act; and (2) only
such public business matters as were identified in any motion by which any Closed
Meeting was convened were heard, discussed or considered by City Council. The
motion was seconded by Council Member Cutler and adopted by the following
vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and
Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: The Mayor advised that the
four year terms of office of S. Deborah Oyler and Stuart H. Revercomb as Directors
of the Industrial Development Authority will expire on October 20, 2005;
whereupon, he opened the floor for nominations to fill the vacancies.

Vice-Mayor Fitzpatrick placed in nomination the names of S. Deborah Oyler
and Stuart H. Revercomb.

There being no further nominations, Ms. Oyler and Mr. Revercomb were
reappointed as Directors of the Industrial Development Authority, for terms ending
October 20, 2009, by the following vote:

FOR MS. OYLER AND MR. REVERCOMB: Council Members Lea, McDaniel,
Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER: The Mayor advised that the three year term of office of Paul P. Anderson as a member of the Roanoke Civic Center Commission will expire September 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Paul P. Anderson.

There being no further nominations, Mr. Anderson was reappointed as a member of the Roanoke Civic Center Commission, for a term of three years ending September 30, 2008, by the following vote:

FOR MR. ANDERSON: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

(Council Member Dowe was absent.)

OATHS OF OFFICE-BUILDINGS/BUILDING DEPARTMENT-COMMITTEES: The Mayor advised that the five year term of office of Reginald P. Church as a member of the Local Board of Building Code Appeals will expire on September 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Reginald P. Church.

There being no further nominations, Mr. Church was reappointed as a member of the Local Board of Building Code Appeals, for a term of five years ending September 30, 2010, by the following vote:

FOR MR. CHURCH: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

(Council Member Dowe was absent.)

At 5:30 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 7:00 p.m., on Monday, September 19, 2005, the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Alfred T. Dowe, Jr. -----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Fitzpatrick.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

HUMAN DEVELOPMENT-ACTS OF ACKNOWLEDGEMENT: Council Member Cutler offered the following resolution memorializing the late Corinne B. Gott:

(#37178-091905) A RESOLUTION memorializing the late Corinne Beasley Gott, a former City Social Worker and Superintendent of Roanoke's Department of Social Services for 30 years.

(For full text of resolution, see Resolution Book No. 69, Page 574.)

Council Member Cutler moved the adoption of Resolution No. 37178-091905. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

The Mayor presented a ceremonial copy of the resolution to Ms. Gott's daughters, Nancy Baugh of Richmond, Virginia; Lou Ann Gott and Jayne Harmon of Roanoke, Virginia, and called for a moment of silence in memory of Ms. Gott.

ACTS OF ACKNOWLEDGEMENT-EMERGENCY SERVICES: Vice-Mayor Fitzpatrick offered the following resolution memorializing the late Warren E. Trent:

(#37179-091905) A RESOLUTION memorializing the late Warren E. Trent, former Coordinator of Emergency Services for the City of Roanoke.

(For full text of resolution, see Resolution Book No. 69, Page 576.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37179-091905. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

The Mayor advised that a ceremonial copy of the resolution would be mailed to Mrs. Trent and called for a moment of silence in memory of Mr. Trent.

ACTS OF ACKNOWLEDGEMENT: The Mayor presented an Honorary Citizen Certificate and a Star paper weight to Dr. Ömer Genckaya, Roanoke College 2005 Fulbright Scholar. He advised that Dr. Genckaya is an Associate Professor of Political Science at Bilkent University in Ankara, Turkey.

BID OPENINGS:

LEASES-AIR RIGHTS: Pursuant to notice of advertisement for bids for lease of air space for balconies over a portion of Kirk Avenue, S. W., for a term of 60 years, said bids to be received by the City Clerk until 12:00 p.m., on Monday, September 19, 2005, and to be held, unopened, until 7:00 p.m., on that date, the Mayor inquired if anyone had any questions with regard to the opening of the bids. No person raising any question, the Mayor instructed the City Clerk to proceed with the opening of the bids.

The City Clerk advised that one bid was submitted by Musslewhite Holdings, L.L.C., for a one-time rental payment in the total amount of \$2,000.00.

Without objection by Council, the Mayor advised that the bid would be referred to the City Manager for report and recommendation to Council.

PUBLIC HEARINGS:

LEASES-AIR RIGHTS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, with regard to the lease of air space for balconies over a portion of Kirk Avenue, S. W., for a term of 60 years, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Wednesday, September 7, 2005 and Wednesday, September 14, 2005.

The City Manager submitted a communication advising that Musselwhite Holdings, L.L.C., has requested an air rights lease for space located at 301 Jefferson Street, S. W., Official Tax No. 1011805, to install balconies of approximately 198 square feet along the Kirk Avenue side of the property, for a term of 60 years beginning October 18, 2005 through October 17, 2065, at a one-time lease rate of \$2,000.00; the rental rate is based on a percentage of the per square foot assessed value of the existing property; the lease may be renewed at expiration of the initial term upon mutual agreement; the Lessee is responsible for maintaining the balconies in a structurally safe condition; and if at any point the balconies become unsafe or fail to meet building and safety codes, the Lessee agrees to demolish and remove the structure in the lease Air Space for Balconies solely at its expense.

The City Manager recommended that she be authorized to execute a Lease Agreement with Musselwhite Holdings, L.L.C., for a period of 60 years, beginning October 18, 2005 and expiring October 17, 2065, subject to approval as to form by the City Attorney.

Council Member Cutler offered the following ordinance:

(#37189-091905) AN ORDINANCE authorizing the execution of a lease agreement between the City of Roanoke and Musselwhite Holdings, L.L.C., for the lease of certain air space over a portion of Kirk Avenue, S. W., to provide sufficient area and space for the construction of balconies over property located at the intersection of Jefferson Street and Kirk Avenue, for a term of sixty (60) years; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 588.)

Council Member Cutler moved the adoption of Ordinance No. 37189-091905. The motion was seconded by Vice-Mayor Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37189-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

SCHOOLS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive citizen comments with regard to the appointment of a Trustee to the Roanoke City School Board to fill the unexpired term of Gloria P. Manns, resigned, ending June 30, 2006, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, September 11, 2005; and in the *Roanoke Tribune* on Thursday, September 15, 2005.

The Mayor advised that the following persons submitted applications for appointment prior to the deadline on Friday, September 16, 2005, at 5:00 p.m.:

Kenneth G. Andres (withdrew application on September 20, 2005)

Mark S. Lucas (withdrew application on September 21, 2005)

Jason E. Bingham

John W. Elliott, Jr.

Randy L. Leftwich

Carla L. Terry

Elias A. Zani

The Mayor inquired if there were persons present who would like to speak in connection with the matter; whereupon, the following persons addressed the Council:

Carol Brash, 2259 Westover Avenue, S. W., spoke in support of the appointment of Carla Terry. She advised that:

- Ms. Terry is a graduate of Roanoke City public schools.
- She is the mother of two children who are enrolled in Roanoke City public schools.
- She has been an active PTA member and served as President at Addison Middle School.
- She is a school, church and community volunteer and has been successful in working with people from all walks of life.
- She believes in parental involvement and its importance in the schools and would partner with the schools and the community to encourage parental involvement in Roanoke's school system.
- She is honest, straight forward, hard working, and speaks her mind in a way that allows her to work with other people.
- She would bring more sexual diversity to the School Board.

Mr. Randy Leftwich, 515 Mountain Avenue, S. W., an applicant for appointment to the School Board, advised that:

- He is a 1989 graduate of William Fleming High School.
- He serves as a Key Club advisor through the Kiwanis Club at William Fleming High School.
- He has a vision for Roanoke City Public Schools.
- School safety and teachers have been criticized.
- There is a need for more parental involvement.

He stated that in applying for a position on the School Board, it was not his intent to take the place of Ms. Manns, but to continue her vision to make Roanoke City Public Schools the best possible school division.

Mr. Jonathan Pait, 3937 Vermont Avenue, S. W., spoke in support of the application of Carla Terry. He advised that:

- Under Ms. Terry's leadership as President of the Addison Middle School PTA, membership has increased.
- She has exhibited a passion for children which is a fundamental characteristic for any person serving on the School Board.
- She would be an ideal candidate for appointment to the School Board because of her character, her ability to communicate and relate to people and her leadership abilities.

There being no further speakers, the Mayor declared the public hearing closed.

There being no questions or comments by Council Members, the Mayor advised that the above referenced comments would be received and filed.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Carilion Medical Center that a portion of Whitmore Avenue, S. W., west of Jefferson Street, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 2, 2005, and Friday, September 9, 2005.

The City Planning Commission submitted a written report advising that the petitioner requests the vacation of an approximately 6,726 square foot portion of Whitmore Avenue, S. W.; the petitioner owns both adjoining properties; and the subject portion of Whitmore Avenue is located within the South Jefferson Redevelopment Area where the petitioner intends to develop.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject portion of Whitmore Avenue, subject to certain conditions; and further recommended that the petitioner not be charged for the property due to provisions of the South Jefferson Redevelopment Plan in which all property acquisition was to be carried out by the Roanoke Redevelopment and Housing Authority.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37190-091905) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 590.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37190-091905. The motion was seconded by Council Member Cutler.

Robert B. Manetta, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to speak in connection with the request for street closure. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37190-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BONDS/BOND ISSUES-SCHOOLS: Pursuant to Resolution No. 37154 and Resolution No. 37155 adopted by the Council on Monday, August 15, 2005, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the approval of issuance of general obligation bonds, in an amount not to exceed \$1,200,000.00 for financing capital improvements for Fallon Park Elementary School, and \$3,850,000.00 for financing capital improvements for Westside Elementary School, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, August 22, 2005, and Monday, August 29, 2005.

A communication from George J. A. Clemo, Attorney, advising that the VPSA application was filed on August 22, 2005, and was approved by the VPSA on September 8, 2005; and resolutions before the Council approve details of the bond, including an estimated debt service schedule and related documents, and authorizes and directs the Mayor or the Vice Mayor and the Clerk or any Deputy Clerk of the City to execute and deliver the bond to the Virginia Public School Authority; and following adoption of the resolutions, financings are expected to be finalized and proceeds available to the City on or about November 10, 2005.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37191-091905) A Resolution authorizing the issuance of not to exceed \$1,200,000.00 General Obligation School Bonds of the City of Roanoke, Virginia, Series 2005-A, to be sold to the Virginia Public School Authority and providing the form and details thereof.

(For full text of resolution, see Resolution Book No. 69, Page 592.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37191-091905. The motion was seconded by Council Member Cutler.

The Mayor inquired if there were persons present who would like to speak in connection with the issuance of general obligation bonds. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Resolution No. 37191-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Council Member Cutler offered the following resolution:

(#37192-091905) A Resolution authorizing the issuance of not to exceed \$3,850,000.00 General Obligation School Bonds of the City of Roanoke, Virginia, Series 2005-B, to be sold to the Virginia Public School Authority and providing for the form and details thereof.

(For full text of resolution, see Resolution Book No. 69, Page 603.)

Resolution No. 37192-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

EASEMENTS-ROANOKE GAS COMPANY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of an easement across City-owned property located near the intersection of Bennington Street and Mount Pleasant Boulevard, S. E., to Roanoke Gas Company to serve a new subdivision, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 9, 2005.

The City Manager submitted a communication advising that Roanoke Gas Company has requested an approximate 10' X 600' easement across City-owned property, identified as Official Tax No. 4250203, which is the site of Fire Station No. 11 near the intersection of Bennington Street and Mount Pleasant Boulevard; the easement is needed to connect a new main to a high pressure main on Bennington Street and will extend along Mount Pleasant Boulevard to serve a new subdivision in the City; and inasmuch as the easement will support new development in the City it will be donated.

The City Manager recommended that she be authorized to execute the appropriate documents granting a utility easement as above described to Roanoke Gas Company, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37193-091905) AN ORDINANCE authorizing the donation and conveyance of a ten foot by six hundred foot easement on City-owned property identified by Official Tax No. 4250203, the site of Fire Station No. 11 near the intersection of Bennington Street and Mt. Pleasant Boulevard to Roanoke Gas Company, to connect a new main to a high pressure main on Bennington Street, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 613.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37193-091905. The motion was seconded by Council Member McDaniel.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37193-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-CMERP: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed adjustment to the aggregate amount of the City's fiscal year 2005-2006 annual budget, in connection with appropriation of funds for the Capital Maintenance and Equipment Replacement Program (CMERP), the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 9, 2005.

The City Manager submitted a communication advising that Council was briefed on Fiscal Year 2004-2005 financial performance and the undesignated fund balance on September 6, 2005; the year end undesignated General Fund balance is targeted for the Capital Maintenance and Equipment Replacement Program (CMERP) and totals \$2,033,742.00; in addition, \$1,403,018.00 of Capital Project Contingency funds designated for prioritization as a part of CMERP is available for appropriation; and funds, in the amount of \$167,595.00, from the reallocation of prior year unobligated CMERP funds is also available.

It was further advised that on July 18, 2005, Council authorized the transfer of \$125,000.00 from the Capital Project Contingency for capital improvements to Mill Mountain Theater; and on September 6, 2005, Council authorized transfer of \$83,416.00 from the Capital Project Contingency for the new Fire/EMS Administration Facility; and the net total of all funding sources available for appropriation is \$3,395,939.00.

It was explained that Section 2-188.1, Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that at the conclusion of each fiscal year, \$250,000.00 to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; the maximum balance of the reserve is three per cent of the total General Fund appropriations for the General Fund for self-insured liabilities; and a list of CMERP funding recommendations addresses the following categories:

• Contributions	\$1,197,925.00
• Carryover Funds	21,806.00
• Furniture and Equipment	843,208.00
• Capital Improvements	580,000.00
• Technology	400,000.00
• Fleet Management	353,000.00
Total	\$3,395,939.00

It was stated that CMERP funding requests totaled approximately \$9.6 million, excluding technology and vehicular related items; requests for technology related items/initiatives totaled an additional \$3.5 million; and technology requests are reviewed and prioritized by the Information Technology Committee and all vehicular requests are reviewed by the Fleet Management Division Manager and evaluated based upon an approved set of replacement criteria.

The City Manager recommended that Council concur in CMERP funding recommendations and appropriate funding to the proper accounts as set forth in an attachment to the report; appropriate \$125,000.00 from Civic Facilities Fund Retained Earnings to the Civic Center Improvements Project, Account No. 005-550-8624, for repair of stage rigging equipment; appropriate \$166,730.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund; establish a revenue estimate of the same amount in the Risk Management Fund representing the transfer; and reallocate prior year CMERP funding from the following accounts:

008-620-9759-9132 (Greenway Signage)	\$ 14,744.00
008-620-9750-9132 (Mt. View Rec Center Improvements)	\$ 3,718.00
008-530-9782-9132 (Downtown Roanoke Drainage Contract Labor)	\$ 100,000.00
008-530-9778-9132 (Engineering Suite Renovations)	\$ 49,133.00

Council Member Cutler offered the following ordinance:

(#37194-091905) AN ORDINANCE to appropriate funding from the Capital Maintenance and Equipment Replacement Program (CMERP) and to make other funding appropriations and transfers, amending and reordaining certain sections of the 2005-2006 General, Civic Facilities, Capital Projects, Department of Technology, Fleet Management and Risk Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 614.)

Council Member Cutler moved the adoption of Ordinance No. 37193-091905. The motion was seconded by Council Member McDaniel.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

Prior to voting on the ordinance, Vice-Mayor Fitzpatrick disclosed that \$7,000.00 is included for appropriation to the Commonwealth Coach and Trolley Museum of which he serves as President. He stated that the funds will be used to purchase two antique buses that were originally used in the City of Roanoke fleet by either Roanoke Railway and Electric Company or Safety Motor Transit, and certain one time equipment maintenance purchases. He noted that Commonwealth Coach and Trolley Museum employs no personnel and he receives no remuneration for his services.

There being no questions or comments by Council Members, Ordinance No. 37194-091905 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

SOCIAL SECURITY ADMINISTRATION: The following persons addressed Council with regard to location of the Social Security Administration Office in the Gainsboro community:

Ms. Beth Wellington, P. O. Box 1361, advised that the Comprehensive Plan for 2001-2020 continues the 1985 Roanoke Vision plan which referred to Roanoke as a City of neighborhoods; neighborhood plans were intended to be official documents adopted by the City that would become a part of the City's Comprehensive Plan; and one of neighborhood plans included the Gainsboro community. She stated that the Gainsboro plan acknowledged the ravages of urban renewal, and promised to ensure neighborhood participation in future development, i.e.: "Like many inner City neighborhoods in America, the Gainsboro community continues to deal with the consequences of urban renewal of the 1960's and 70's that displaced many families and businesses. The general sentiment today in America and in Gainsboro is that urban renewal was something done to the community instead of with the community. One of the main purposes of this plan is to ensure that the community is involved in determining its own future, and that the community's goals and interests are reflected in future developments, ultimately leading to a better and more vibrant Gainsboro". She explained that the neighborhood plan for Gainsboro included a village center, similar to the village center in the Grandin Road area, with a focal point for the

neighborhood; the village center would include uses that served the surrounding neighborhood, as well as those that would appeal to broader markets; first floors of buildings would be dedicated to higher intensity commercial uses, and Henry Street would include a central square as a community gathering place, etc. She added that Council reiterated the Gainsboro plan by adopting and submitting of the 2005–2010 Consolidated Plan to the U. S. Department of Housing and Urban Development, which has awarded the City \$3 million annually; and Gainsboro was designated for special attention in the area of revitalization, and the Plan acknowledged the Gainsboro Steering Committee as the overseer of revitalization. She expressed concern that the proposed Social Security Administration Office building appears to have caused Roanoke to jettison its plans and the hopes of the Gainsboro neighborhood. She indicated that the City acquired the land through condemnation during urban renewal and asked if the City will abide by the adopted neighborhood plan for Gainsboro and support actions that will be in compliance with the Gainsboro Neighborhood Plan.

Ms. Alice Roberts, 411 Gilmer Avenue, N. E., a life long resident of the Gainsboro area, advised that Henry Street has a significant place in the history of the City of Roanoke, and the City should honor its past with a vision for the future. She called attention to major concerns with regard to the proposed Social Security Building on Henry Street; for years the development of Henry Street has been quiet; however, it is now becoming a district of education, history and culture with construction of the Roanoke Higher Education Center, the Culinary School, the multi-purpose Ebony and Strand Building, and the Dumas Center for the Performing Arts which includes the Roanoke Opera. She stated that the Social Security Building will require a 50 foot clearance on each side, adjacent parking, the closing of streets will limit access to the buildings serving the community and limit access to day and evening activities for youth and adults; and the closing of streets assures a slow death to the educational and cultural institutions and their much needed programs. She further stated that the location of the proposed Social Security Building with various restrictive requirements would preclude any future development on Henry Street; and the concept of a Social Security Building on Henry Street is demoralizing. She added that the Henry Street Bridge and a garden as a memorial to Dr. Martin Luther King, Jr., was approved; however, it is ironic and insulting that as visitors walk from the bridge they would come face to face with the Social Security Building. She stated that the Social Security Building would be out of character and inconsistent with the theme of the new Henry Street; therefore, she requested that Council consider an alternate location for the Social Security Building and honor the wishes of those citizens who are concerned with improving quality of life and making Henry Street available for development in keeping with the theme and character of the area.

Mr. Marshall McMillan Zapf, 2109 Memorial Avenue, S. W., advised that components that make Grandin Village successful are scale and a variety of interests and businesses, etc., and Henry Street provides a physical location for a village center to blossom in the Gainsboro neighborhood. He asked that Henry Street not be closed and that the block be used to celebrate the African-American community of Gainsboro. He requested that Council take into consideration that the area provides an entrance to the City which would be better served by a vibrant village center than a large and mostly vacant building occupied by the Federal government.

Ms. Brenda Allen, 12 Gilmer Avenue, N. E., spoke in support of art, education, history and culture in the development of Henry Street. She called attention to the importance of acknowledging the contributions of all citizens of the Roanoke Valley; a key factor considered by businesses in making a decision to locate in a certain area is diversity and diversity will be retained if the Henry Street area continues to be a cultural district. She added that the proximity of The Hotel Roanoke and Conference Center will help to stimulate tourism; however, and as guests from The Hotel Roanoke walk through historic Gainsboro, nothing is on display that explains the history of the area or the many contributions of the citizens of Gainsboro. She encouraged the City of Roanoke to embrace diversity by providing a venue for this type of cultural district that will encourage young people to return to the Roanoke Valley following graduation from college.

Ms. Annie Krochalis, 9428 Patterson Drive, Bent Mountain, Virginia, Co-Chair, Roanoke Sierra Club Committee on Smart Growth, spoke in support of the remarks made by previous speakers that other sites should be explored for the Social Security Administration office building. She stated that certain Federal Homeland Security demands on the building will include a 50 foot berm and limited public access, which will dramatically alter the historic character of neighborhood revitalization efforts causing a commercial and institutional style to the gateway area of the neighborhood. She further stated that neighborhoods in America, such as the Gainsboro community, continue to deal with the consequences of urban renewal, etc.; and the main purpose of the new Gainsboro Neighborhood Plan is to ensure that the community is involved in determining its future and that community goals and interests are reflected in future development. She advised that smart growth redirects investment to existing City neighborhoods thereby enhancing a vital urban core; and downtown areas are the calling cards of cities, thus, they require shared space and space that offers cultural statements. She stated that people are attracted to livable communities, to lively downtown areas, to streets that are designed for pedestrians as much as automobiles, and to

a scale and pattern of development that allows cities to meet every day needs by walking, all of which are key factors to ensure that cities provide a high quality of life. She indicated that the Gainsboro neighborhood currently includes an historic district, the Roanoke Higher Education Center, and The Hotel Roanoke and Conference Center; and the proposed change to downtown zoning would not reflect community input in land use planning and would not encourage continued development of the neighborhood as a cultural and educational destination.

Mr. Thomas Schwendeman, 1098 St. Clair Lane, Vinton, Virginia, advised that a vision was born for the Henry Street area that has brought the community together through culture and performing arts, education, and history; however, the proposed Social Security Administration Office building could change the vision of Gainsboro because it is an inappropriate use for the area. He stated that the building would be better suited in the downtown proper and not on the fringes of downtown; the building under consideration has been located on the fringes of downtown Roanoke for 12 years and has not created any economic development on Henry Street or led to the creation of businesses in the Gainsboro area. He noted that one of the reasons to not construct the Social Security building on a site near the airport was to create a synergy of bringing 200 employees to the heart of the City, and as much as 80 per cent of those persons who transact business at the Social Security office; and any road block that might have prevented locating the facility in downtown Roanoke has been removed and there is now an opportunity to look at downtown proper as a location which will allow Henry Street to become an area for culture, education, history, and the performing arts.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., asked that Council look to the future of Henry Street as a place of learning and engaging in the arts which will attract people of all races, religious background and ethnicity. She referred to the Henry Street of old where people socialized, people gathered, women were respected, men were respectful of women and children, and an area of the City traveled by many people on their way to and from work. She stated that this is the type of vision that is now contemplated for Henry Street that would include culture, education, and history through the Roanoke Higher Education Center, the Dumas Center for the Performing Arts, and the Culinary School all of which will be a legacy for Roanoke's children to be proud of.

Dr. Gerald Roller, 1135 Clearfield Road, S. W., expressed opposition to the proposed location of the Social Security Administration office building in the Henry Street area. He expressed concern that the public was not aware of proposed plans to relocate the Social Security Building, other than what was recently reported in the newspaper. He stated that the Social Security building has no relationship to any type of history in Gainsboro and should not be located in an area that has been recognized for its historic significance by the Commonwealth of Virginia and possible inclusion on the international register of historic places. He questioned the relationship of the Social Security building to the Dr. Martin Luther King, Jr. memorial and park, and added that there are other locations in the City of

Roanoke for a Social Security building that would produce more revenue for the City. He referred to the medical history of the Gainsboro area which was the home of physicians, dentists, and attorneys prior to desegregation. He advised that he serves as a member of the Medical History Foundation which has a goal of establishing a referral center and a medical artifacts museum on Henry Street; however, if the Social Security building is located on Henry Street, plans may change. He stated that closing the northern end of Henry Street will decrease traffic through the area, therefore, consideration should be given to present buildings such as the Dumas Building, the Culinary School, and the Higher Education Center, etc., which could experience an adverse effect as a result of locating the Social Security building at the site under consideration. He stated that there are other locations in the City of Roanoke where the Social Security Administration office building could be constructed.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium and the agreement between the City of Roanoke and the Norfolk and Western Railway Company which stipulated that the land would be used for stadium/armory purposes.

There being no further business, the Mayor declared the meeting adjourned at 8:25 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
